



Rep. Barbara Flynn Currie

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LRB096 20318 JDS 44844 a

1 AMENDMENT TO SENATE BILL 3644

2 AMENDMENT NO. _____. Amend Senate Bill 3644, AS AMENDED,
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Public Labor Relations Act is
6 amended by changing Sections 3 and 6 as follows:

7 (5 ILCS 315/3) (from Ch. 48, par. 1603)

8 Sec. 3. Definitions. As used in this Act, unless the
9 context otherwise requires:

10 (a) "Board" means the Illinois Labor Relations Board or,
11 with respect to a matter over which the jurisdiction of the
12 Board is assigned to the State Panel or the Local Panel under
13 Section 5, the panel having jurisdiction over the matter.

14 (b) "Collective bargaining" means bargaining over terms
15 and conditions of employment, including hours, wages, and other
16 conditions of employment, as detailed in Section 7 and which

1 are not excluded by Section 4.

2 (c) "Confidential employee" means an employee who, in the
3 regular course of his or her duties, assists and acts in a
4 confidential capacity to persons who formulate, determine, and
5 effectuate management policies with regard to labor relations
6 or who, in the regular course of his or her duties, has
7 authorized access to information relating to the effectuation
8 or review of the employer's collective bargaining policies.

9 (d) "Craft employees" means skilled journeymen, crafts
10 persons, and their apprentices and helpers.

11 (e) "Essential services employees" means those public
12 employees performing functions so essential that the
13 interruption or termination of the function will constitute a
14 clear and present danger to the health and safety of the
15 persons in the affected community.

16 (f) "Exclusive representative", except with respect to
17 non-State fire fighters and paramedics employed by fire
18 departments and fire protection districts, non-State peace
19 officers, and peace officers in the Department of State Police,
20 means the labor organization that has been (i) designated by
21 the Board as the representative of a majority of public
22 employees in an appropriate bargaining unit in accordance with
23 the procedures contained in this Act, (ii) historically
24 recognized by the State of Illinois or any political
25 subdivision of the State before July 1, 1984 (the effective
26 date of this Act) as the exclusive representative of the

1 employees in an appropriate bargaining unit, (iii) after July
2 1, 1984 (the effective date of this Act) recognized by an
3 employer upon evidence, acceptable to the Board, that the labor
4 organization has been designated as the exclusive
5 representative by a majority of the employees in an appropriate
6 bargaining unit; (iv) recognized as the exclusive
7 representative of personal care attendants or personal
8 assistants under Executive Order 2003-8 prior to the effective
9 date of this amendatory Act of the 93rd General Assembly, and
10 the organization shall be considered to be the exclusive
11 representative of the personal care attendants or personal
12 assistants as defined in this Section; or (v) recognized as the
13 exclusive representative of child and day care home providers,
14 including licensed and license exempt providers, pursuant to an
15 election held under Executive Order 2005-1 prior to the
16 effective date of this amendatory Act of the 94th General
17 Assembly, and the organization shall be considered to be the
18 exclusive representative of the child and day care home
19 providers as defined in this Section.

20 With respect to non-State fire fighters and paramedics
21 employed by fire departments and fire protection districts,
22 non-State peace officers, and peace officers in the Department
23 of State Police, "exclusive representative" means the labor
24 organization that has been (i) designated by the Board as the
25 representative of a majority of peace officers or fire fighters
26 in an appropriate bargaining unit in accordance with the

1 procedures contained in this Act, (ii) historically recognized
2 by the State of Illinois or any political subdivision of the
3 State before January 1, 1986 (the effective date of this
4 amendatory Act of 1985) as the exclusive representative by a
5 majority of the peace officers or fire fighters in an
6 appropriate bargaining unit, or (iii) after January 1, 1986
7 (the effective date of this amendatory Act of 1985) recognized
8 by an employer upon evidence, acceptable to the Board, that the
9 labor organization has been designated as the exclusive
10 representative by a majority of the peace officers or fire
11 fighters in an appropriate bargaining unit.

12 (g) "Fair share agreement" means an agreement between the
13 employer and an employee organization under which all or any of
14 the employees in a collective bargaining unit are required to
15 pay their proportionate share of the costs of the collective
16 bargaining process, contract administration, and pursuing
17 matters affecting wages, hours, and other conditions of
18 employment, but not to exceed the amount of dues uniformly
19 required of members. The amount certified by the exclusive
20 representative shall not include any fees for contributions
21 related to the election or support of any candidate for
22 political office. Nothing in this subsection (g) shall preclude
23 an employee from making voluntary political contributions in
24 conjunction with his or her fair share payment.

25 (g-1) "Fire fighter" means, for the purposes of this Act
26 only, any person who has been or is hereafter appointed to a

1 fire department or fire protection district or employed by a
2 state university and sworn or commissioned to perform fire
3 fighter duties or paramedic duties, except that the following
4 persons are not included: part-time fire fighters, auxiliary,
5 reserve or voluntary fire fighters, including paid on-call fire
6 fighters, clerks and dispatchers or other civilian employees of
7 a fire department or fire protection district who are not
8 routinely expected to perform fire fighter duties, or elected
9 officials.

10 (g-2) "General Assembly of the State of Illinois" means the
11 legislative branch of the government of the State of Illinois,
12 as provided for under Article IV of the Constitution of the
13 State of Illinois, and includes but is not limited to the House
14 of Representatives, the Senate, the Speaker of the House of
15 Representatives, the Minority Leader of the House of
16 Representatives, the President of the Senate, the Minority
17 Leader of the Senate, the Joint Committee on Legislative
18 Support Services and any legislative support services agency
19 listed in the Legislative Commission Reorganization Act of
20 1984.

21 (h) "Governing body" means, in the case of the State, the
22 State Panel of the Illinois Labor Relations Board, the Director
23 of the Department of Central Management Services, and the
24 Director of the Department of Labor; the county board in the
25 case of a county; the corporate authorities in the case of a
26 municipality; and the appropriate body authorized to provide

1 for expenditures of its funds in the case of any other unit of
2 government.

3 (i) "Labor organization" means any organization in which
4 public employees participate and that exists for the purpose,
5 in whole or in part, of dealing with a public employer
6 concerning wages, hours, and other terms and conditions of
7 employment, including the settlement of grievances.

8 (i-5) "Legislative liaison" means a person who is an
9 employee of a department, division, agency, board, commission,
10 or office under the jurisdiction of the Governor, Lieutenant
11 Governor, Attorney General, Secretary of State, Comptroller,
12 or Treasurer and who communicates in the course of his or her
13 employment with any official or staff of the legislative branch
14 of State government for the purpose of influencing any
15 legislative action.

16 (j) "Managerial employee" means an individual who is
17 engaged predominantly in executive and management functions
18 and is charged with the responsibility of directing the
19 effectuation of management policies and practices. With
20 respect only to State employees in positions under the
21 jurisdiction of the Governor, Lieutenant Governor, Attorney
22 General, Secretary of State, Comptroller, or Treasurer (i) that
23 are filled or for which a petition is filed with the Illinois
24 Public Labor Relations Board on or after the effective date of
25 this amendatory Act of the 96th General Assembly or (ii) for
26 which a petition is pending before the Illinois Public Labor

1 Relations Board on that date, "managerial employee" means an
2 individual who is engaged in executive and management functions
3 or who is charged with the effectuation of management policies
4 and practices or who represents management interests by taking
5 or recommending discretionary actions that effectively control
6 or implement policy.

7 (k) "Peace officer" means, for the purposes of this Act
8 only, any persons who have been or are hereafter appointed to a
9 police force, department, or agency and sworn or commissioned
10 to perform police duties, except that the following persons are
11 not included: part-time police officers, special police
12 officers, auxiliary police as defined by Section 3.1-30-20 of
13 the Illinois Municipal Code, night watchmen, "merchant
14 police", court security officers as defined by Section 3-6012.1
15 of the Counties Code, temporary employees, traffic guards or
16 wardens, civilian parking meter and parking facilities
17 personnel or other individuals specially appointed to aid or
18 direct traffic at or near schools or public functions or to aid
19 in civil defense or disaster, parking enforcement employees who
20 are not commissioned as peace officers and who are not armed
21 and who are not routinely expected to effect arrests, parking
22 lot attendants, clerks and dispatchers or other civilian
23 employees of a police department who are not routinely expected
24 to effect arrests, or elected officials.

25 (l) "Person" includes one or more individuals, labor
26 organizations, public employees, associations, corporations,

1 legal representatives, trustees, trustees in bankruptcy,
2 receivers, or the State of Illinois or any political
3 subdivision of the State or governing body, but does not
4 include the General Assembly of the State of Illinois or any
5 individual employed by the General Assembly of the State of
6 Illinois.

7 (1-5) "Policy-making employee" means any employee,
8 regardless of job title, (1) whose function, either principally
9 or otherwise, involves either administrative responsibility
10 for the determination of policy or administrative
11 responsibility for the way in which policies are carried out;
12 (2) whose position is otherwise exempt from the requirements of
13 the Rutan decision, including, but not limited to, (i) an
14 employee who advises or renders opinions to a State agency head
15 or an executive branch constitutional officer regarding
16 matters of law or (ii) an employee who engages in crafting
17 legislation, lobbying, or contacting General Assembly members
18 on behalf of a State agency or an executive branch
19 constitutional officer to influence the outcome of legislation
20 before the General Assembly; or (3) whose position authorizes,
21 either directly or indirectly, meaningful input into
22 government decision-making on issues where there is room for
23 principled disagreement on goals or their implementation.

24 (m) "Professional employee" means any employee engaged in
25 work predominantly intellectual and varied in character rather
26 than routine mental, manual, mechanical or physical work;

1 involving the consistent exercise of discretion and adjustment
2 in its performance; of such a character that the output
3 produced or the result accomplished cannot be standardized in
4 relation to a given period of time; and requiring advanced
5 knowledge in a field of science or learning customarily
6 acquired by a prolonged course of specialized intellectual
7 instruction and study in an institution of higher learning or a
8 hospital, as distinguished from a general academic education or
9 from apprenticeship or from training in the performance of
10 routine mental, manual, or physical processes; or any employee
11 who has completed the courses of specialized intellectual
12 instruction and study prescribed in this subsection (m) and is
13 performing related work under the supervision of a professional
14 person to qualify to become a professional employee as defined
15 in this subsection (m).

16 (n) "Public employee" or "employee", for the purposes of
17 this Act, means any individual employed by a public employer,
18 including (i) interns and residents at public hospitals, (ii)
19 as of the effective date of this amendatory Act of the 93rd
20 General Assembly, but not before, personal care attendants and
21 personal assistants working under the Home Services Program
22 under Section 3 of the Disabled Persons Rehabilitation Act,
23 subject to the limitations set forth in this Act and in the
24 Disabled Persons Rehabilitation Act, and (iii) as of the
25 effective date of this amendatory Act of the 94th General
26 Assembly, but not before, child and day care home providers

1 participating in the child care assistance program under
2 Section 9A-11 of the Illinois Public Aid Code, subject to the
3 limitations set forth in this Act and in Section 9A-11 of the
4 Illinois Public Aid Code, but excluding all of the following:
5 employees of the Office of the Governor; employees of the
6 Governor's Office of Management and Budget; employees of the
7 Office of the Lieutenant Governor; employees of the General
8 Assembly of the State of Illinois; elected officials; executive
9 heads of a department; members of boards or commissions; the
10 Executive Inspectors General; any special Executive Inspectors
11 General; employees of each Office of an Executive Inspector
12 General; commissioners and employees of the Executive Ethics
13 Commission; the Auditor General's Inspector General; employees
14 of the Office of the Auditor General's Inspector General; the
15 Legislative Inspector General; any special Legislative
16 Inspectors General; employees of the Office of the Legislative
17 Inspector General; commissioners and employees of the
18 Legislative Ethics Commission; employees of any agency, board
19 or commission created by this Act; employees appointed to State
20 positions of a temporary or emergency nature; all employees of
21 school districts and higher education institutions except
22 firefighters and peace officers employed by a state university
23 and except peace officers employed by a school district in its
24 own police department in existence on the effective date of
25 this amendatory Act of the 96th General Assembly; managerial
26 employees; short-term employees; legislative liaisons; a

1 person who is a State employee under the jurisdiction of the
2 Governor who holds the position classification of Senior Public
3 Service Administrator; a person who is a State employee under
4 the jurisdiction of the Office of the Attorney General who is
5 licensed to practice law; a person who is a State employee
6 under the jurisdiction of the Office of the Comptroller who
7 holds the position of Pubic Service Administrator or whose
8 position is otherwise exempt under the Comptroller Merit
9 Employment Code; a person who is a State employee under the
10 jurisdiction of the Secretary of State who holds the position
11 classification of Executive I or higher or whose position is
12 otherwise exempt under the Secretary of State Merit Employment
13 Code; a person who is a State employee under the jurisdiction
14 of the Treasurer who holds a position that is exempt from the
15 State Treasurer Employment Code; State employees who were
16 certified in a bargaining unit on or after July 1, 2009, who
17 are completely exempt from jurisdiction B of the Personnel Code
18 in Rutan-exempt positions; State employees who are completely
19 exempt from jurisdiction B of the Personnel Code, or the
20 Secretary of State Merit Employment Code, in Rutan-exempt
21 positions on or after the effective date of this amendatory Act
22 of the 96th General Assembly; term appointed State employees
23 pursuant to Section 8b.18 and 8b.19 of the Personnel Code;
24 policy-making employees; confidential employees; independent
25 contractors; and supervisors except as provided in this Act.

26 Personal care attendants and personal assistants shall not

1 be considered public employees for any purposes not
2 specifically provided for in the amendatory Act of the 93rd
3 General Assembly, including but not limited to, purposes of
4 vicarious liability in tort and purposes of statutory
5 retirement or health insurance benefits. Personal care
6 attendants and personal assistants shall not be covered by the
7 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

8 Child and day care home providers shall not be considered
9 public employees for any purposes not specifically provided for
10 in this amendatory Act of the 94th General Assembly, including
11 but not limited to, purposes of vicarious liability in tort and
12 purposes of statutory retirement or health insurance benefits.
13 Child and day care home providers shall not be covered by the
14 State Employees Group Insurance Act of 1971.

15 Notwithstanding Section 9, subsection (c), or any other
16 provisions of this Act, all peace officers above the rank of
17 captain in municipalities with more than 1,000,000 inhabitants
18 shall be excluded from this Act.

19 (o) Except as otherwise in subsection (o-5), "public
20 employer" or "employer" means the State of Illinois; any
21 political subdivision of the State, unit of local government or
22 school district; authorities including departments, divisions,
23 bureaus, boards, commissions, or other agencies of the
24 foregoing entities; and any person acting within the scope of
25 his or her authority, express or implied, on behalf of those
26 entities in dealing with its employees. As of the effective

1 date of the amendatory Act of the 93rd General Assembly, but
2 not before, the State of Illinois shall be considered the
3 employer of the personal care attendants and personal
4 assistants working under the Home Services Program under
5 Section 3 of the Disabled Persons Rehabilitation Act, subject
6 to the limitations set forth in this Act and in the Disabled
7 Persons Rehabilitation Act. The State shall not be considered
8 to be the employer of personal care attendants and personal
9 assistants for any purposes not specifically provided for in
10 this amendatory Act of the 93rd General Assembly, including but
11 not limited to, purposes of vicarious liability in tort and
12 purposes of statutory retirement or health insurance benefits.
13 Personal care attendants and personal assistants shall not be
14 covered by the State Employees Group Insurance Act of 1971 (5
15 ILCS 375/). As of the effective date of this amendatory Act of
16 the 94th General Assembly but not before, the State of Illinois
17 shall be considered the employer of the day and child care home
18 providers participating in the child care assistance program
19 under Section 9A-11 of the Illinois Public Aid Code, subject to
20 the limitations set forth in this Act and in Section 9A-11 of
21 the Illinois Public Aid Code. The State shall not be considered
22 to be the employer of child and day care home providers for any
23 purposes not specifically provided for in this amendatory Act
24 of the 94th General Assembly, including but not limited to,
25 purposes of vicarious liability in tort and purposes of
26 statutory retirement or health insurance benefits. Child and

1 day care home providers shall not be covered by the State
2 Employees Group Insurance Act of 1971.

3 "Public employer" or "employer" as used in this Act,
4 however, does not mean and shall not include the General
5 Assembly of the State of Illinois, the Executive Ethics
6 Commission, the Offices of the Executive Inspectors General,
7 the Legislative Ethics Commission, the Office of the
8 Legislative Inspector General, the Office of the Auditor
9 General's Inspector General, and educational employers or
10 employers as defined in the Illinois Educational Labor
11 Relations Act, except with respect to a state university in its
12 employment of firefighters and peace officers and except with
13 respect to a school district in the employment of peace
14 officers in its own police department in existence on the
15 effective date of this amendatory Act of the 96th General
16 Assembly. County boards and county sheriffs shall be designated
17 as joint or co-employers of county peace officers appointed
18 under the authority of a county sheriff. Nothing in this
19 subsection (o) shall be construed to prevent the State Panel or
20 the Local Panel from determining that employers are joint or
21 co-employers.

22 (o-5) With respect to wages, fringe benefits, hours,
23 holidays, vacations, proficiency examinations, sick leave, and
24 other conditions of employment, the public employer of public
25 employees who are court reporters, as defined in the Court
26 Reporters Act, shall be determined as follows:

1 (1) For court reporters employed by the Cook County
2 Judicial Circuit, the chief judge of the Cook County
3 Circuit Court is the public employer and employer
4 representative.

5 (2) For court reporters employed by the 12th, 18th,
6 19th, and, on and after December 4, 2006, the 22nd judicial
7 circuits, a group consisting of the chief judges of those
8 circuits, acting jointly by majority vote, is the public
9 employer and employer representative.

10 (3) For court reporters employed by all other judicial
11 circuits, a group consisting of the chief judges of those
12 circuits, acting jointly by majority vote, is the public
13 employer and employer representative.

14 (p) "Security employee" means an employee who is
15 responsible for the supervision and control of inmates at
16 correctional facilities. The term also includes other
17 non-security employees in bargaining units having the majority
18 of employees being responsible for the supervision and control
19 of inmates at correctional facilities.

20 (q) "Short-term employee" means an employee who is employed
21 for less than 2 consecutive calendar quarters during a calendar
22 year and who does not have a reasonable assurance that he or
23 she will be rehired by the same employer for the same service
24 in a subsequent calendar year.

25 (r) "Supervisor" is:

26 (1) An ~~an~~ employee whose principal work is

1 substantially different from that of his or her
2 subordinates and who has authority, in the interest of the
3 employer, to hire, transfer, suspend, lay off, recall,
4 promote, discharge, direct, reward, or discipline
5 employees, to adjust their grievances, or to effectively
6 recommend any of those actions, if the exercise of that
7 authority is not of a merely routine or clerical nature,
8 but requires the consistent use of independent judgment.
9 Except with respect to police employment, the term
10 "supervisor" includes only those individuals who devote a
11 preponderance of their employment time to exercising that
12 authority, State supervisors notwithstanding. In addition,
13 in determining supervisory status in police employment,
14 rank shall not be determinative. The Board shall consider,
15 as evidence of bargaining unit inclusion or exclusion, the
16 common law enforcement policies and relationships between
17 police officer ranks and certification under applicable
18 civil service law, ordinances, personnel codes, or
19 Division 2.1 of Article 10 of the Illinois Municipal Code,
20 but these factors shall not be the sole or predominant
21 factors considered by the Board in determining police
22 supervisory status.

23 Notwithstanding the provisions of the preceding
24 paragraph, in determining supervisory status in fire
25 fighter employment, no fire fighter shall be excluded as a
26 supervisor who has established representation rights under

1 Section 9 of this Act. Further, in new fire fighter units,
2 employees shall consist of fire fighters of the rank of
3 company officer and below. If a company officer otherwise
4 qualifies as a supervisor under the preceding paragraph,
5 however, he or she shall not be included in the fire
6 fighter unit. If there is no rank between that of chief and
7 the highest company officer, the employer may designate a
8 position on each shift as a Shift Commander, and the
9 persons occupying those positions shall be supervisors.
10 All other ranks above that of company officer shall be
11 supervisors.

12 (2) With respect only to State employees in positions
13 under the jurisdiction of the Governor, Lieutenant
14 Governor, Attorney General, Secretary of State,
15 Comptroller, or Treasurer (i) that are filled or for which
16 a petition is filed with the Illinois Public Labor
17 Relations Board on or after the effective date of this
18 amendatory Act of the 96th General Assembly or (ii) for
19 which a petition is pending before the Illinois Public
20 Labor Relations Board on that date, an employee who
21 qualifies as a supervisor under (A) Section 152 of the
22 National Labor Relations Act and (B) orders of the National
23 Labor Relations Board interpreting that provision or
24 decisions of courts reviewing decisions of the National
25 Labor Relations Board.

26 (s) (1) "Unit" means a class of jobs or positions that are

1 held by employees whose collective interests may suitably
2 be represented by a labor organization for collective
3 bargaining. Except with respect to non-State fire fighters
4 and paramedics employed by fire departments and fire
5 protection districts, non-State peace officers, and peace
6 officers in the Department of State Police, a bargaining
7 unit determined by the Board shall not include both
8 employees and supervisors, or supervisors only, except as
9 provided in paragraph (2) of this subsection (s) and except
10 for bargaining units in existence on July 1, 1984 (the
11 effective date of this Act). With respect to non-State fire
12 fighters and paramedics employed by fire departments and
13 fire protection districts, non-State peace officers, and
14 peace officers in the Department of State Police, a
15 bargaining unit determined by the Board shall not include
16 both supervisors and nonsupervisors, or supervisors only,
17 except as provided in paragraph (2) of this subsection (s)
18 and except for bargaining units in existence on January 1,
19 1986 (the effective date of this amendatory Act of 1985). A
20 bargaining unit determined by the Board to contain peace
21 officers shall contain no employees other than peace
22 officers unless otherwise agreed to by the employer and the
23 labor organization or labor organizations involved.
24 Notwithstanding any other provision of this Act, a
25 bargaining unit, including a historical bargaining unit,
26 containing sworn peace officers of the Department of

1 Natural Resources (formerly designated the Department of
2 Conservation) shall contain no employees other than such
3 sworn peace officers upon the effective date of this
4 amendatory Act of 1990 or upon the expiration date of any
5 collective bargaining agreement in effect upon the
6 effective date of this amendatory Act of 1990 covering both
7 such sworn peace officers and other employees.

8 (2) Notwithstanding the exclusion of supervisors from
9 bargaining units as provided in paragraph (1) of this
10 subsection (s), a public employer may agree to permit its
11 supervisory employees to form bargaining units and may
12 bargain with those units. This Act shall apply if the
13 public employer chooses to bargain under this subsection.

14 (3) Public employees who are court reporters, as
15 defined in the Court Reporters Act, shall be divided into 3
16 units for collective bargaining purposes. One unit shall be
17 court reporters employed by the Cook County Judicial
18 Circuit; one unit shall be court reporters employed by the
19 12th, 18th, 19th, and, on and after December 4, 2006, the
20 22nd judicial circuits; and one unit shall be court
21 reporters employed by all other judicial circuits.

22 (Source: P.A. 95-331, eff. 8-21-07; 96-1257, eff. 7-23-10.)

23 (5 ILCS 315/6) (from Ch. 48, par. 1606)

24 Sec. 6. Right to organize and bargain collectively;
25 exclusive representation; and fair share arrangements.

1 (a) Employees of the State and any political subdivision of
2 the State, excluding employees of the General Assembly of the
3 State of Illinois, policy-making employees, and other
4 employees specifically excluded from the definition of "public
5 employee" under subsection (n) of Section 3 of this Act, have,
6 and are protected in the exercise of, the right of
7 self-organization, and may form, join or assist any labor
8 organization, to bargain collectively through representatives
9 of their own choosing on questions of wages, hours and other
10 conditions of employment, not excluded by Section 4 of this
11 Act, and to engage in other concerted activities not otherwise
12 prohibited by law for the purposes of collective bargaining or
13 other mutual aid or protection, free from interference,
14 restraint or coercion. Employees also have, and are protected
15 in the exercise of, the right to refrain from participating in
16 any such concerted activities. Employees may be required,
17 pursuant to the terms of a lawful fair share agreement, to pay
18 a fee which shall be their proportionate share of the costs of
19 the collective bargaining process, contract administration and
20 pursuing matters affecting wages, hours and other conditions of
21 employment as defined in Section 3(g).

22 (b) Nothing in this Act prevents an employee from
23 presenting a grievance to the employer and having the grievance
24 heard and settled without the intervention of an employee
25 organization; provided that the exclusive bargaining
26 representative is afforded the opportunity to be present at

1 such conference and that any settlement made shall not be
2 inconsistent with the terms of any agreement in effect between
3 the employer and the exclusive bargaining representative.

4 (c) A labor organization designated by the Board as the
5 representative of the majority of public employees in an
6 appropriate unit in accordance with the procedures herein or
7 recognized by a public employer as the representative of the
8 majority of public employees in an appropriate unit is the
9 exclusive representative for the employees of such unit for the
10 purpose of collective bargaining with respect to rates of pay,
11 wages, hours and other conditions of employment not excluded by
12 Section 4 of this Act. A public employer is required upon
13 request to furnish the exclusive bargaining representative
14 with a complete list of the names and addresses of the public
15 employees in the bargaining unit, provided that a public
16 employer shall not be required to furnish such a list more than
17 once per payroll period. The exclusive bargaining
18 representative shall use the list exclusively for bargaining
19 representation purposes and shall not disclose any information
20 contained in the list for any other purpose. Nothing in this
21 Section, however, shall prohibit a bargaining representative
22 from disseminating a list of its union members.

23 (d) Labor organizations recognized by a public employer as
24 the exclusive representative or so designated in accordance
25 with the provisions of this Act are responsible for
26 representing the interests of all public employees in the unit.

1 Nothing herein shall be construed to limit an exclusive
2 representative's right to exercise its discretion to refuse to
3 process grievances of employees that are unmeritorious.

4 (e) When a collective bargaining agreement is entered into
5 with an exclusive representative, it may include in the
6 agreement a provision requiring employees covered by the
7 agreement who are not members of the organization to pay their
8 proportionate share of the costs of the collective bargaining
9 process, contract administration and pursuing matters
10 affecting wages, hours and conditions of employment, as defined
11 in Section 3 (g), but not to exceed the amount of dues
12 uniformly required of members. The organization shall certify
13 to the employer the amount constituting each nonmember
14 employee's proportionate share which shall not exceed dues
15 uniformly required of members. In such case, the proportionate
16 share payment in this Section shall be deducted by the employer
17 from the earnings of the nonmember employees and paid to the
18 employee organization.

19 (f) Only the exclusive representative may negotiate
20 provisions in a collective bargaining agreement providing for
21 the payroll deduction of labor organization dues, fair share
22 payment, initiation fees and assessments. Except as provided in
23 subsection (e) of this Section, any such deductions shall only
24 be made upon an employee's written authorization, and continued
25 until revoked in writing in the same manner or until the
26 termination date of an applicable collective bargaining

1 agreement. Such payments shall be paid to the exclusive
2 representative.

3 Where a collective bargaining agreement is terminated, or
4 continues in effect beyond its scheduled expiration date
5 pending the negotiation of a successor agreement or the
6 resolution of an impasse under Section 14, the employer shall
7 continue to honor and abide by any dues deduction or fair share
8 clause contained therein until a new agreement is reached
9 including dues deduction or a fair share clause. For the
10 benefit of any successor exclusive representative certified
11 under this Act, this provision shall be applicable, provided
12 the successor exclusive representative:

13 (i) certifies to the employer the amount constituting
14 each non-member's proportionate share under subsection
15 (e); or

16 (ii) presents the employer with employee written
17 authorizations for the deduction of dues, assessments, and
18 fees under this subsection.

19 Failure to so honor and abide by dues deduction or fair
20 share clauses for the benefit of any exclusive representative,
21 including a successor, shall be a violation of the duty to
22 bargain and an unfair labor practice.

23 (g) Agreements containing a fair share agreement must
24 safeguard the right of nonassociation of employees based upon
25 bona fide religious tenets or teachings of a church or
26 religious body of which such employees are members. Such

1 employees may be required to pay an amount equal to their fair
2 share, determined under a lawful fair share agreement, to a
3 nonreligious charitable organization mutually agreed upon by
4 the employees affected and the exclusive bargaining
5 representative to which such employees would otherwise pay such
6 service fee. If the affected employees and the bargaining
7 representative are unable to reach an agreement on the matter,
8 the Board may establish an approved list of charitable
9 organizations to which such payments may be made.

10 (Source: P.A. 93-854, eff. 1-1-05; 94-472, eff. 1-1-06.)

11 Section 95. Severability. The provisions of this Act are
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law."